

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,
Plaintiff, Counterclaim Defendant

v.

Civil Action No. 3:20-CV-710 -MOC-DSC

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.

Defendants, Counterclaim Plaintiffs.

HAYWARD’S TENTH *EMERGENCY* MOTION TO EXTEND TRO

Hayward Industries, Inc. (“Hayward”) respectfully moves this Court for an order (a) extending the Court’s Temporary Restraining Order (Doc. No. 393) or, alternatively, converting the terms of the TRO into an injunction continuing the restraint on the transfer of Defendants’ assets and/or (b) requiring Defendants to post a security bond sufficient to satisfy the Judgment (Doc. No. 448). Hayward is seeking this relief by emergency motion because the TRO is set to expire shortly.

Given the pending bankruptcy proceedings, Hayward is seeking the extension as against the three non-debtor Defendants, Blueworks Innovation, Ningbo Electronic Tech, and Ningbo Yishang Imports, and those acting in concert with them. It is important, however, that the Court’s TRO apply to Debtor Defendant Blueworks Corporation upon dissolution of the automatic stay so that there is not a period of time when Blueworks Corporation is able to transfer assets to avoid execution on the judgment if the automatic stay is lifted or the bankruptcy proceeding is dismissed.

Counsel for Hayward advised Defendants' counsel Thursday afternoon regarding filing this motion, but has not received a response as of this filing. However, this motion is substantially similar to previously-filed motions to extend the TRO that were opposed. Hayward thus assumes Defendants oppose this motion and will promptly file a notice if it learns information to the contrary. Despite opposing Hayward's many requests to extend the TRO, Defendants are also currently asking the Court to indefinitely delay post-judgment discovery and stay execution of the Judgment, i.e., they seek to immediately access their assets immediately while, at the same time, seeking to delay Hayward's ability to collect on the Judgment.

Respectfully submitted this 6th day of September, 2024,

/s/ Russ Ferguson

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